

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF MASSACHUSETTS

3 )  
4 UNITED STATES OF AMERICA, )  
5 )  
6 Plaintiff, ) Criminal Action  
7 v. ) No. 13-10200-GAO  
8 )  
9 DZHOKHAR A. TSARNAEV, also )  
known as Jahar Tsarni, )  
10 Defendant. )  
11 )

12 BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.  
13 UNITED STATES DISTRICT JUDGE

14 **EXCERPT OF JURY TRIAL - DAY THIRTY**

15 **Sidebar Conference Re Proffer**

16 John J. Moakley United States Courthouse  
17 Courtroom No. 9  
18 One Courthouse Way  
19 Boston, Massachusetts 02210  
20 Tuesday, March 10, 2015

21 Cheryl Dahlstrom, RMR, CRR  
22 Official Court Reporter  
23 John J. Moakley U.S. Courthouse  
24 One Courthouse Way, Room 3510  
25 Boston, Massachusetts 02210  
(617) 737-8728

Mechanical Steno - Computer-Aided Transcript

## 1 APPEARANCES:

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8 - and -

9 UNITED STATES DEPARTMENT OF JUSTICE

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14 On Behalf of the Government

15 FEDERAL PUBLIC DEFENDER OFFICE

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On Behalf of the Defendant

1 (EXCERPT AS FOLLOWS:

2 (SIDEBAR CONFERENCE AS FOLLOWS:

3 THE COURT: Yes, counsel, please. This is for the  
4 proffer that defense wanted to make. I guess it was Mr.  
5 Chakravarty's witness.

6 MS. CONRAD: Your Honor, I'm not quite sure why I  
7 wasn't allowed to do recross; but had I been allowed to do  
8 recross -- Mr. Chakravarty elicited on redirect that -- in a  
9 leading question that the tweet about September 10th was the  
11:06 10 first tweet after the last Al\_Firdausia tweet, if I understood  
11 him correctly, and that's simply not correct. There's a tweet  
12 about "never fork a mini tomato while wearing a white shirt"  
13 was tweeted at 2:18 p.m. on March 13th. The September 10th  
14 tweet was more than 24 hours after that. I want to introduce  
15 the actual tweets, which -- the entire Exhibit 1 does not show  
16 the times. It just shows the dates. But I had this prepared  
17 as an exhibit to put in to show the time, and I'm not sure I  
18 understand why Mr. Chakravarty gets to do direct and redirect  
19 and I cannot do recross.

11:06 20 THE COURT: Recross isn't guaranteed. But at any  
21 rate, that explanation confirms to me it was --

22 THE COURT REPORTER: I'm sorry, Judge. I didn't hear  
23 you.

24 THE COURT: It's there. You can argue it if you want  
25 to argue it. It's in the evidence.

1 MS. CONRAD: Well, I don't think the jury should be  
2 left with --

3 THE COURT: Your offer is made.

4 MS. CONRAD: -- an inaccurate presentation.

5 . . . END OF SIDEBAR CONFERENCE.)

6 . . . END OF EXCERPT.)

7 (Recess taken at 11:05 a.m.)

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C E R T I F I C A T E

I, Cheryl Dahlstrom, RMR, CRR, Official Reporter of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of my skill and ability, a true and accurate transcription of my stenotype notes taken in the matter of Criminal Action No. 13-10200-GAO, United States of America v. Dzhokhar A. Tsarnaev.

/s/ Cheryl Dahlstrom

CHERYL DAHLSTROM, RMR, CRR  
Official Court Reporter

Date: March 16, 2015